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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBERT BERMAN,  
  
Petitioner,  
  
vs.  
  
STATE OF NEVADA, *et al.*,  
  
Respondents.

Case No. 2:21-cv-01359-APG-BNW

**MOTION FOR ENLARGEMENT OF TIME  
TO FILE RESPONSE TO AMENDED  
PETITION (ECF NO. 6)  
  
(THIRD REQUEST)**

Respondents move this Court for an enlargement of time of seven (7) days from the current due date of February 17, 2022, up to and including February 24, 2022, in which to file their Response to Robert Berman's Amended Petition for a Writ of Habeas Corpus (ECF No. 6). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the third enlargement of time sought by Respondents to file the response to the Amended Petition, and the request is brought in good faith and not for the purpose of delay.

DATED: February 17, 2022.

Submitted by:

AARON D. FORD  
Attorney General

By: /s/ Erica Berrett  
Erica Berrett (Bar. No. 13826)  
Deputy Attorney General

**DECLARATION OF ERICA BERRETT**

STATE OF NEVADA     )  
                                  ) ss:  
COUNTY OF CLARK    )

I, ERICA BERRETT, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Robert Berman v. State of Nevada, et al.*, Case No. 2:21-cv-01359-APG-BNW, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The response to the Amended Petition (ECF No. 6) is currently due on February 17, 2021.

4. I have been unable with due diligence to timely complete the response. Since Respondents' previous enlargement of time, I have dedicated significant time working on a response to Berman's Amended Petition, including reviewing his state court record, beginning to draft a motion to dismiss, and working with the support staff in my office to develop an index of exhibits to file in support of Respondents' response.

5. Unfortunately, I had to pause from working on the response to Berman's Amended Petition in order to complete Respondents' motion to dismiss in the capital habeas matter *Weber v. Gittere, et al.*, 3:11-cv-0104-RFB-WGC, which is due February 18, 2021. That capital habeas matter required a majority of my attention in recent weeks.

6. I have been working late nights, weekends, and holidays in recent weeks, in an attempt to complete both the capital matter mentioned above, as well as the response to Berman's amended petition. However, even with those efforts, I could not complete both assignments. However, based on the progress I have made, I believe a short extension will allow me time to finish the response to Berman's amended petition. I have scheduled time to make the response to Berman's amended petition my top priority going forward.

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1           7.       Based on the foregoing, I respectfully request an enlargement of time of seven (7) days,  
2 up to and including February 24, 2022, in which to file the response to the Amended Petition.

3           Executed on February 17, 2022.

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5                               /s/ Erica Berrett  
6 Erica Berrett (Bar No. 13826)  
7 Deputy Attorney General

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10                           IT IS SO ORDERED:

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14 UNITED STATES DISTRICT JUDGE

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16                               DATED: February 21, 2022  
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